

## REMARKS

Attached are informal drawings of Figs. 15 and 20. In each Fig., through inadvertence and mistake, the plunger 92 is shown as not being in the coil assembly 90.

As shown in the informal corrected Figs., the plunger 92 is pulled into the coil assembly 90. Corrected formal drawings of Figs 15 and 20 are being ordered and will be sent to the USPTO immediately upon completion and receipt.

In the description, corrections which are directed to formal matters and to the operation of the device are made. No new matter is included.

The rejection of claims 1-5 under 35 U.S.C. 102 (e) as being anticipated by Germain et al., US Patent No. 6,771,152 is traversed.

Attached are two submissions under 37 CFR 3.73(b), each signed by Mr. Stephen Sokolow, Executive Vice President of Leviton Manufacturing Co., Inc., for overcoming this rejection. One submission is directed to the Germain reference, U.S. Patent No. 6,771,152; and the second submission is directed to our above identified patent application.

The two submissions establish ownership of both the Germain reference and the patent application as being assigned to the same assignee, Leviton Manufacturing Co., Inc.

More specifically, each submission identifies the Reel and Frame Nos. in the assignment records of the USPTO where the assignments are recorded.

As the Germain reference and the patent application are commonly owned, any invention disclosed but not claimed in the Germain reference was derived from the inventor of this application and is thus not the invention "by another" as is required under 35 USC 102 (e).

Therefore, applicants respectfully request withdrawal of the 35 USC 102(e) rejection of claims 1-5 because the Germain reference is disqualified as prior art.

With the Germain reference being disqualified as prior art, it is our understanding that the 35 UCS 102(e) rejection of claims 1- 5 is now overcome. It is also our understanding that the objection to claims 6-14, which are objected to as being dependent upon a rejected base claim is now also overcome. It is our further understanding that claims 1-14 now present in the application are now in condition for allowance and, therefore, early and favorable reconsideration is respectfully requested.

The commissioner is hereby authorized to charge any fees which may be required for the amendment, or credit any overpayment to Deposit Account No. 12-1185.

In the event that an extension of time is required to make this amendment timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this amendment timely and is hereby authorized to charge any fee for such an extension of time or credit an overpayment for an extension of time to Deposit Account No. 12-1185.

Respectfully submitted,



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**IN THE DRAWINGS**

In informal drawings of Figs 15 and 20, as marked in red, the plunger 92 is shown as being drawn into the coil 90 similar to Fig. 16, and with contact 106 open. It should not be shown as being extended from the coil assembly.